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Dated: April 16, 2008
Electronic Signature for Peter C. Lauro: /Peter C. Lauro/

Docket No.: 62076(51590)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gavril W. Pasternak

Application No.: 10/509,050

Confirmation No.: 2704

Filed: October 27, 2004

Art Unit: 4133

For: *SYNERGISTIC L-METHADONE
COMPOSITIONS AND METHODS OF USE
THEREOF*

Examiner: Jody Lynn Karol

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this paper in response to the Office Action mailed October 16, 2007 in the above-referenced patent application. Applicant submits concurrently herewith a Petition for a five-month extension of time and the required fee based on small entity status.

The Examiner alleges that the claims lack unity of invention and has required restriction under 35 U.S.C. §§ 121 and 372 between two groups of claims as follows:

Group I: Claims 1-2 and 19 drawn to a pharmaceutical composition comprising L-methadone and at least one additional opioid analgesic; and

Group II: Claims 3-18 and 20-25 drawn to a method of providing analgesia to a subject in need thereof comprising administering a pharmaceutical composition comprising L-methadone and at least one additional opioid analgesic.

Applicant hereby elects without traverse Group II, claims 3-18 and 20-25.

The Examiner also requires election of a single disclosed species to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant notes that upon allowance of a generic claim, Applicant will be entitled to consideration of additional species which are written in independent form or otherwise include all the limitations of an allowed generic claim. Accordingly, Applicant hereby elects morphine as the single disclosed species. Claims 7-9 of Group II read on the elected species.

Applicant believes that no fees, other than the fee for the five-month extension of time, are required for consideration and entry of this paper. Nevertheless, Applicant hereby authorizes the Director to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 62076(51590). Also, if any issues remain, Applicant invites the Examiner to contact the undersigned at the telephone number listed below.

Dated: April 16, 2008

Respectfully submitted,

Electronic signature: /Peter C. Lauro/
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